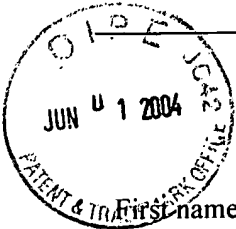


1763  
JPW

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First named inventor : Hideaki FUKUDA, et al.

App. No. : 09/511,934

Filed : February 24, 2000

Title : THIN-FILM FORMING  
APPARATUS HAVING  
AUTOMATIC CLEANING  
FUNCTION FOR  
CLEANING THE INSIDE

Examiner : Ram N Kackar

Group Art Unit : 1763

) I hereby certify that this correspondence and all  
) marked attachments are being deposited with the  
) United States Postal Service as first-class mail in an  
) envelope addressed to: United States Patent and  
) Trademark Office, P.O. Box 2327, Arlington, VA  
) 22202, on

May 27, 2004

(Date)

Katsuhiko Arai, Reg. No. 43,315

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE TO  
RECEIVE OFFICE ACTION UNDER 37 CFR 1.181(a)**

United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

ATTN: Box DAC

Dear Sir:

This is a petition to request withdrawal of the holding of abandonment of the above-identified application based on failure to receive an Office action under 37 C.F.R. § 1.181(a).

The undersigned received the Notice of Abandonment mailed on 18 May 2004 in the present application, which indicated that this application is considered as having become abandoned for failure to timely file a proper replay to the Office letter mailed on 6 November 2003. However, the undersigned has never received the Office letter.

Pursuant to M.P.E.P. 711.03(c), the following are sufficient to establish nonreceipt of the Office letter:

The undersigned states herein that the Office letter was not received by the undersigned and attests to the fact that a search of the file jacket and docket records indicates that Office letter was not received.

A copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed is attached hereto. The docket record as of May 27, 2004 clearly shows that the last entry of action taken is filing of an RCE on 23 October 2003 (see the last page;

accordingly, the initially set action due dates are closed on 23 October 2003) and the Notice of Abandonment was received on 24 May 2004 (see Remarks on the first page) and the due date to respond is set for 18 July 2004 (two months from the mailing date). There is no indication of receiving the Office action. If the undersigned had received the Office action, that would have been indicated in the docket record.

Further, in this application, all of the Office actions including the Notice of Abandonment have been addressed to the previous address. The address change request was faxed to the Office on 14 August 2002 as shown in the attached copy. Except for the present application, the address has been updated in the other applications. The improperly indicated address may have been a cause of nonreceipt of the Office letter. The undersigned requests that the address be updated in the present application.

The undersigned has never received the Office letter, and a petition under 37 C.F.R. § 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action, and such petition does not require a fee (M.P.E.P. 711.03(c)).

The undersigned respectfully requests grant the petition to withdraw the holding of abandonment of the present application and re mail the Office action. Should fees be necessary for this petition, please charge them to our deposit Account No. 11-1410.

Enclosed in support of the submission are the following.

- (X) A copy of the docket record as of May 27, 2004.
- (X) A copy of the address change request faxed on 14 August 2002.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: May 27, 2004

By: 

Katsuhiro Arai  
Registration No. 43,315  
Agent of Record  
Customer No. 20,995  
(949) 760-0404



**PATENT**

Case Docket No. ASMJP.032AUS

Date: May 27, 2004

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s) : Hideaki FUKUDA, et al.  
Appl. No. : 09/511,934  
Filed : February 24, 2000  
For : THIN-FILM FORMING  
APPARATUS HAVING  
AUTOMATIC CLEANING  
FUNCTION FOR CLEANING  
THE INSIDE  
Examiner : Ram N. Kackar  
Group Art Unit : 1763

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

May 27, 2004

(Date)

Katsuhiro Arai, Reg. No. 43,315

**TRANSMITTAL LETTER**

MAIL STOP: Box DAC  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Enclosed for filing in the above-identified application are:

- (X) Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action Under 37 CFR 1.18(a) with the attachments.
- (X) A copy of the Notice of Abandonment dated May 18, 2004 from the U.S. Patent and Trademark Office.
- (X) The Commissioner is hereby authorized to charge any fees which may be required to Account No. 11-1410.
- (X) Return prepaid postcard.

Katsuhiro Arai  
Registration No. 43,315  
Agent of Record  
Customer No. 20,995  
(949) 760-0404

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Don W. Martens\*  
Gordon H. Olson\*  
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# Knobbe Martens Olson & Bear LLP

Intellectual Property Law



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Gregory A. Hermanson

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Paul C. Steinhart

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Katsuhiko Arai  
Tomohisa Sugiyama

European Patent Atty  
Martin Hellebrandt

Korean Patent Atty  
Mincheol Kim  
Heungsoo Choi

Solicitor (England & Wales)  
J. David Evered

Scientists & Engineers  
(Non-Lawyers)

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Khurram Rahman, Ph.D.  
Jennifer A. Haynes, Ph.D.\*\*  
Tommy Y. Nagata  
Che S. Chereskin, Ph.D.\*\*  
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FIRM: U.S. PTO  
FACSIMILE TELEPHONE No.: (703) ~~217-9197~~ 308-2840  
FROM: Jayna Cartee  
OUR REFERENCE No.: ADMIN.000  
YOUR REFERENCE No.:  
TOTAL NUMBER OF PAGES: 3 (INCLUDING COVER SHEET)  
OPERATOR: Jayna  
DATE: August 14, 2002 TIME:  
IF YOU DID NOT RECEIVE ALL OF THE PAGES, PLEASE CALL BACK IMMEDIATELY.  
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Direct Line to Machine: (949) 760-9502  
MESSAGE:

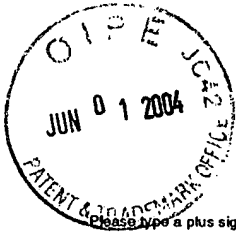
550 West C Street  
Suite 1200  
San Diego CA 92101  
Tel 619-235-8550  
Fax 619-235-0176

201 California Street  
Suite 1150  
San Francisco CA 94111  
Tel 415-954-4114  
Fax 415-954-4111

1900 Avenue of the Stars  
Suite 1425  
Los Angeles CA 90067  
Tel 310-551-3450  
Fax 310-551-3458

3403 Tenth Street  
Suite 700  
Riverside CA 92501  
Tel 909-781-9231  
Fax 909-781-4507

\* A Professional Corporation  
† Also Barrister At Law (Eng. & Wales)  
\*\* U.S. Patent Agent



## MANUAL OF PATENT EXAMINING PROCEDURE

Please type a plus sign (+) inside this box →



PTO/SB/124A (8-96)  
 Approved for use through 6/30/99. OMB 0651-0035  
 Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

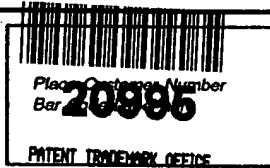
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 Please record the following data changes to **Customer Number**:

Type Customer Number here **20,995**☒ Please change Correspondence Address to:

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<b>Address</b>	2040 Main Street				
<b>Address</b>	Fourteenth Floor				
<b>City</b>	Irvine	<b>State</b>	CA	<b>ZIP</b>	92614
<b>Country</b>					
<b>Telephone</b>			<b>Fax</b>		

☐ Please delete the following practitioner registration number(s) from the Customer Number indicated above:


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☐ Additional practitioner registration numbers are listed on supplemental sheet(s) attached hereto

## Request Submitted by:

<b>Firm Name (if applicable)</b>	KNOBBE, MARTENS, OLSON & BEAR, LLP	
<b>Name of Person submitting request</b>	JAMES B. BEAR, MANAGING PARTNER	
<b>Signature</b>		
<b>Telephone Number</b>	(949) 760-0404	<b>Date</b> 8-14-02

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<b>City</b>	Irvine	<b>State</b>	CA	<b>ZIP</b>	92614
<b>Country</b>	Orange				
<b>Telephone</b>	(949) 760-0404		<b>Fax</b>	(949) 760-9502	

☐ Please delete the following practitioner registration number(s) from the Customer Number indicated above:

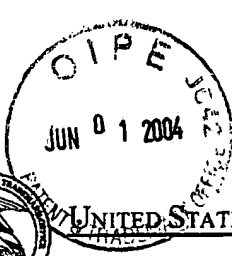

☐ Please add the following practitioner registration number(s) to the Customer Number indicated above:


☐ Additional practitioner registration numbers are listed on supplemental sheet(s) attached hereto

### Request Submitted by:

<b>Firm Name (if applicable)</b>	KNOBBE, MARTENS, OLSON, & BEAR, LLP
<b>Name of Person submitting request</b>	JAMES B. BEAR, Managing Partner
<b>Signature</b>	
<b>Telephone Number</b>	(949) 760-0404
<b>Date</b>	8-14-02

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/511,934	02/24/2000	Hideaki Fukuda	ASMJP.032AUS	5598
7590 05/18/2004			EXAMINER	
Knobbe Martens Olson & Bear LLP			KACKAR, RAM N	
620 Newport Center Drive			ART UNIT	
16th Floor			PAPER NUMBER	
Newport Beach, CA 92660			1763	

DATE MAILED: 05/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

KNOWBE, MAINTENS, ALSON & DEAN, LLP

MAY 24 2004

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ORANGE COUNTY BOOKKEEPING





# **Notice of Abandonment**

Application No.

09/511,934

Examiner

Ram N Kackar

Applicant(s)

FUKUDA ET AL.

Art Unit

1763

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 06 November 2003.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$ \_\_\_\_\_ is insufficient. A balance of \$ \_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$ \_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$ \_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

GREGORY MILLS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

# Country Application

Thursday, May 27, 2004

**Case Number: ASMJP.032AUS**

**Country:** US United States of America

**SubCase:**

**NP Instr. Date:**

**Case Type:** ORD

**Status: Pending**

**Application Number:** 09/511934

**Filing Date:** 24-Feb-2000

**Patent Number:**

**Issue Date:**

**Publication Number:**

**PublicationDate:**

**Expir. Date:**

**Entity:** LE

**AbandonedDate:**

**Agent:**

**Client:** ASMJP

**Prosecuting**

**Agent Ref#:** J-065US

**Tax Due Date:**

**Priority Date:**

**Annuity Number:**

**BarCodeDate:**

**Priority Number:** NONE

**Tax Start Date:**

**Assignee:** ASM JAPAN K.K

**Inventors:** FUKUDA, HIDEAKI

**Invention Attorney(s):** ASA

KOA

SATOH, KIYOSHI

**Title:** THIN-FILM FORMING APPARATUS HAVING AN AUTOMATIC CLEANING FUNCTION FOR CLEANING THE INSIDE

**Remarks:** Notice of Abandonment recvd 5/24/04; Applicant's failure to timely file a proper reply to the Office letter mailed on 11/6/03

RCE filed 10/30/02

Drawings have been accepted; see Paper No.6

**User ID:** ASG

**Date Created:** 16-Jun-2000

**Last Update:** 26-May-2004

## List Of User Actions

Action(s) Due	Due Date	Indicator	Action Taken
File Petition to Revive?	18-Nov-2004	Due Date	
Erroneous ABA/File Rescission?	18-Jul-2004	Final	
STATUS RCE APP	23-Jun-2004	Due Date	
A/Brief 5th Extension	23-Apr-2004	Final	23-Oct-2003
US-Appeal Brief Follow Up Date	23-Apr-2004	Due Date	23-Oct-2003
A/Brief 4th Extension	23-Mar-2004	Due Date	23-Oct-2003
A/Brief 3rd Extension	23-Feb-2004	Due Date	23-Oct-2003
A/Brief 2nd Extension	23-Jan-2004	Due Date	23-Oct-2003
A/Brief 1st Extension	23-Dec-2003	Due Date	23-Oct-2003
POSTCARD RECVD?	23-Dec-2003	Due Date	07-Nov-2003
Postcard Recvd?/Ntc Appeal	23-Dec-2003	Reminder	03-Oct-2003
Appeal Brief Due	23-Nov-2003	Due Date	23-Oct-2003
Postcard Recvd?/Final Amend	21-Nov-2003	Reminder	29-Aug-2003
3rd/Final Ext FinalOA/File RCE	24-Oct-2003	Final	21-Aug-2003
Appeal Stat Per/File RCE?	24-Oct-2003	Final	23-Sep-2003
2nd Ext Final OA	24-Sep-2003	Due Date	21-Aug-2003
Appeal/2nd Ext	24-Sep-2003	Due Date	23-Sep-2003
US-PAT OA 3 MON Follow Up Date	20-Sep-2003	Due Date	28-Apr-2003
1st Ext Final OA	24-Aug-2003	Due Date	21-Aug-2003
Appeal/1st Ext	24-Aug-2003	Due Date	22-Aug-2003
File Notice of Appeal?	24-Jul-2003	Due Date	21-Aug-2003
Final OA 3 Mon/File Appeal	24-Jul-2003	Due Date	14-Jul-2003

# Country Application

Thursday, May 27, 2004

Final OA 2 Month Date	24-Jun-2003	Due Date	23-Jun-2003
Postcard Recvd?/Amend	20-Jun-2003	Reminder	01-Apr-2003
3rd Ext Amendment	20-May-2003	Final	20-Mar-2003
STATUS RCE APP	30-Apr-2003	Due Date	27-Nov-2002
2nd Ext Amendment	20-Apr-2003	Due Date	20-Mar-2003
1st Ext Amendment	20-Mar-2003	Due Date	18-Mar-2003
Amendment Due	20-Feb-2003	Due Date	12-Feb-2003
3rd/Final Ext FinalOA/File RCE	01-Jan-2003	Final	18-Sep-2002
STAT PER/FILE RCE	01-Jan-2003	Final	30-Oct-2002
POSTCARD RECVD?	30-Dec-2002	Due Date	12-Nov-2002
Postcard Recvd?/Amend AF	18-Dec-2002	Reminder	01-Oct-2002
US-PAT 3 MONTH Follow Up Date	06-Dec-2002	Due Date	08-Jul-2002
2nd Ext Final OA	01-Dec-2002	Due Date	18-Sep-2002
APPEAL 2ND EXT	01-Dec-2002	Reminder	30-Oct-2002
1st Ext Final OA	01-Nov-2002	Due Date	18-Sep-2002
APPEAL 1ST EXT	01-Nov-2002	Reminder	30-Oct-2002
Final OA 3 Mon/File Appeal	01-Oct-2002	Due Date	18-Sep-2002
NOTICE APPEAL	01-Oct-2002	Due Date	30-Sep-2002
3rd Extension	07-Sep-2002	Final	06-Jun-2002
Postcard Recvd?/Amendment	06-Sep-2002	Reminder	20-Jun-2002
Final OA 2 Month Date	01-Sep-2002	Due Date	27-Aug-2002
F/U Status Check	25-Aug-2002	Due Date	13-Mar-2002
2nd Extension	07-Aug-2002	Due Date	06-Jun-2002
1st Extension	07-Jul-2002	Due Date	06-Jun-2002
Amendment Due	07-Jun-2002	Due Date	06-Jun-2002
Postcard Recvd?/Status Check	25-Apr-2002	Reminder	11-Mar-2002
STATUS CHECK	24-Feb-2002	Reminder	25-Feb-2002
STATUS CHK Follow Up Date	24-Feb-2002	Due Date	24-Aug-2001
POSTCARD REC'D?	17-Nov-2001	Reminder	27-Aug-2001
POSSIBLE IDS	12-Sep-2001	Final	17-Aug-2001
FORE FILE Follow Up Date	24-Aug-2001	Due Date	24-Feb-2001
STATUS CHK	24-Aug-2001	Due Date	24-Aug-2001
Rev Intl Srch Rpt/File IDS?	12-Aug-2001	Due Date	12-Aug-2001
US-ASSIGNMENT Follow Up Date	05-Apr-2001	Due Date	05-Oct-2000
FORE FILE	24-Feb-2001	Due Date	24-Feb-2001
FOREIGN FILE?	18-Feb-2001	Reminder	18-Feb-2001
*L/C F/F 10 MON	24-Dec-2000	Due Date	18-Feb-2001
US-MISS PART 2 Follow Up Date	20-Dec-2000	Due Date	20-Jun-2000
ASSIGN REC'D?	20-Nov-2000	Due Date	05-Oct-2000
CORRECT F/R REC	27-Oct-2000	Reminder	28-Aug-2000
FINAL MSNG PRS	26-Oct-2000	Final	20-Jun-2000
POSTCARD REC'D	27-Sep-2000	Reminder	04-Aug-2000
MISS PART 3 EXT	26-Sep-2000	Due Date	20-Jun-2000
POSTCARD REC'D?	20-Sep-2000	Reminder	30-Jun-2000
POSTCARD REC'D?	20-Sep-2000	Reminder	29-Jun-2000
MISS PART 2 EXT	26-Aug-2000	Due Date	20-Jun-2000

## Country Application

Thursday, May 27, 2004

FILING RECEIPT	24-Aug-2000	Reminder	01-May-2000
REC'D M/PARTS?	24-Aug-2000	Due Date	01-May-2000
MISS PART I EXT	26-Jul-2000	Due Date	20-Jun-2000
MISSING PARTS	26-Jun-2000	Due Date	20-Jun-2000
IDS	24-May-2000	Due Date	24-May-2000
POSTCARD REC'D?	24-May-2000	Reminder	01-May-2000
US PAT APPL DUE	29-Feb-2000	Due Date	24-Feb-2000

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**Actions Due**Thursday, May 27, 2004

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**Case Number:** ASMJP.032AUS**Country:** US**SubCase:**

United States of America

**Action Type:** US-Appeal Brief**Action Base Date:** 23-Sep-2003**Response sent date:** 23-Oct-2003

Action(s) Due	Due Date	Indicator	Taken
Appeal Brief Due	23-Nov-2003	Due Date	23-Oct-2003
A/Brief 1st Extension	23-Dec-2003	Due Date	23-Oct-2003
A/Brief 2nd Extension	23-Jan-2004	Due Date	23-Oct-2003
A/Brief 3rd Extension	23-Feb-2004	Due Date	23-Oct-2003
A/Brief 4th Extension	23-Mar-2004	Due Date	23-Oct-2003
A/Brief 5th Extension	23-Apr-2004	Final	23-Oct-2003
US-Appeal Brief Follow Up Date	23-Apr-2004	Due Date	23-Oct-2003

**Remarks:**

Advisory Action Rec'd 10/2/03; Affidavit or Exhibit will NOT be considered because it is not directed SOLELY to issue which were newly raised by the Examiner in the Final rejection

**User ID:** EC**Date Created:** 23-Oct-2003**Last Update:** 27-Oct-2003

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**Actions Due**

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Thursday, May 27, 2004

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**Case Number:** ASMJP.032AUS**Country:** US**SubCase:**

United States of America

**Action Type:** RCE APPLN PTO**Action Base Date:** 23-Oct-2003**Response sent date:**

Action(s) Due	Due Date	Indicator	Taken
POSTCARD RECVD?	23-Dec-2003	Due Date	07-Nov-2003
STATUS RCE APP	23-Jun-2004	Due Date	

**Remarks:**

5/23 date extend KOA spoke with examiner who will issue amendment second time as the first one was lost in mail per H.Isetani EM 5/19/04 (jap 8:47:17 AM)

4/23 date extend per H.Isetani EM 4/21/04 (jap 8:55:09 AM)

PC rec'd 11/7/03 SCM;A/T 11/11/03 jap

**User ID:** JAP**Date Created:** 19-May-2004**Last Update:** 19-May-2004